

HOUSE BILL 486

By Lollar

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 211, relative to the underground storage
tanks and solid waste disposal control board.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-211-111, is amended by deleting subsections (a) and (b) and substituting the following:

(a)

(1) There is created an underground storage tanks and solid waste disposal control board that shall be composed of sixteen (16) members.

(A) The governor shall appoint fourteen (14) of the board members as follows:

(i) One (1) person engaged in a field directly related to agriculture, who may be appointed from lists of qualified persons submitted by interested farm business groups including, but not limited to, the Tennessee Farm Bureau;

(ii) One (1) person who is employed by, or is the owner of, a private petroleum concern, with at least ten (10) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for at least fifteen (15) underground storage tanks, who may be appointed from a list of qualified persons submitted by interested wholesale or retail gasoline business groups including, but not limited to, the Tennessee Fuel and Convenience Store Association. Such

person shall have demonstrated leadership in the industry by membership and involvement in a trade association representing fuel distributors and convenience store owners;

(iii) One (1) person who is employed by a private manufacturing concern in Tennessee, who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in permit compliance and management of solid wastes or hazardous waste, who may be appointed from a list of qualified persons submitted by interested business groups including, but not limited to, the Tennessee Chamber of Commerce and Industry;

(iv) One (1) person employed by a private manufacturing concern in Tennessee, who shall have a college degree in engineering or the equivalent and at least eight (8) years of combined technical training and experience in the management of petroleum underground storage tanks and hazardous materials. This person may be appointed from a list of qualified persons submitted by business groups including, but not limited to, the Tennessee Chamber of Commerce and Industry;

(v) One (1) person who is a registered engineer or geologist or qualified land surveyor with knowledge of management of solid wastes or hazardous materials or the management of underground storage tanks from the faculty of an institution of higher learning, who may be appointed from a list of four (4) persons, two (2) of whom may be nominated by the board of trustees of the University of Tennessee system and two (2) of whom may be nominated by the board of regents of the state university and community college system;

(vi) One (1) person with knowledge of management of solid wastes, hazardous materials, or underground storage tanks to represent environmental interests, who may be appointed from a list of qualified persons submitted by environmental groups including, but not limited to, the Tennessee Environmental Council;

(vii) One (1) representative of county governments, who may be appointed from lists of qualified persons submitted by interested county services groups including, but not limited to, the County Services Association;

(viii) One (1) representative of municipal governments, who may be appointed from lists of qualified persons submitted by interested municipal groups including, but not limited to, the Tennessee Municipal League;

(ix) One (1) person shall be a small generator of solid wastes or hazardous materials, who may be appointed from lists of qualified persons submitted by interested automotive groups including, but not limited to, a list of three (3) persons that shall be submitted by the Tennessee Automotive Association;

(x) One (1) person who is employed by a private petroleum concern with experience in the management of petroleum, who may be appointed from lists of qualified persons submitted by interested petroleum groups including, but not limited to, the Tennessee Petroleum Council;

(xi) One (1) person engaged in the business of management of solid wastes or hazardous materials;

(xii) One (1) person who is employed by, or is the owner of, a private petroleum concern, with at least five (5) years of experience owning or operating a wholesale or retail gasoline business with management responsibility for no more than five (5) underground storage tanks; and

(xiii) The commissioner of economic and community development or the commissioner's designee, and the commissioner of environment and conservation or the commissioner's designee, who shall be ex officio voting members.

(B) The governor shall consult with the interested groups described in subdivision (a)(1)(A) to determine qualified persons to fill the positions on the board.

(C) The speaker of the senate and the speaker of the house of representatives shall each appoint one (1) consumer board member; provided, that the speakers shall not appoint members who are from the same grand division.

(2) The director of the division of solid and hazardous waste management or the director's designee shall serve as the technical secretary of the board but shall have no vote at board meetings.

(b) In making the initial appointments to the board, three (3) members shall be appointed by the governor for a term of one (1) year, three (3) members shall be appointed by the governor for a term of two (2) years, three (3) members shall be appointed by the governor for a term of three (3) years, and three (3) members shall be

appointed by the governor for a term of four (4) years. The consumer members who are appointed by the respective speakers shall be appointed to a term of four (4) years, with both members to be appointed no later than July 1, 2017. Upon expiration of these terms, all members shall be appointed for a term of four (4) years. Vacancies resulting for reasons other than the expiration of the term shall be filled by the appointing authority for the remainder of the term. In making appointments to the board, the appointing authorities shall strive to ensure that at least one (1) person appointed to serve on the board is at least sixty (60) years of age and that at least one (1) person appointed to serve on the board is a member of a racial minority.

SECTION 2. Tennessee Code Annotated, Section 68-211-111(g), is amended by deleting the language "Eight (8) members shall constitute a quorum" and substituting the language "Nine (9) members shall constitute a quorum".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.